

106TH CONGRESS
1ST SESSION

S. 789

To amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

IN THE SENATE OF THE UNITED STATES

APRIL 13, 1999

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SPECIAL COMPENSATION FOR SEVERELY DIS-**
4 **ABLED UNIFORMED SERVICES RETIREES.**

5 (a) AUTHORITY.—(1) Chapter 71 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

1 **“§ 1413. Special compensation for certain severely**
 2 **disabled uniformed services retirees**

3 “(a) **AUTHORITY.**—The Secretary concerned shall,
 4 subject to the availability of appropriations for such pur-
 5 pose, pay to each eligible disabled uniformed services re-
 6 tiree a monthly amount determined under subsection (b).

7 “(b) **AMOUNT.**—The amount to be paid to an eligible
 8 disabled uniformed services retiree in accordance with sub-
 9 section (a) is the following:

10 “(1) For any month for which the retiree has
 11 a qualifying service-connected disability rated as
 12 total, \$300.

13 “(2) For any month for which the retiree has
 14 a qualifying service-connected disability rated as 90
 15 percent, \$200.

16 “(3) For any month for which the retiree has
 17 a qualifying service-connected disability rated as 80
 18 percent or 70 percent, \$100.

19 “(c) **ELIGIBLE MEMBERS.**—An eligible disabled uni-
 20 formed services retiree referred to in subsection (a) is a
 21 member of the uniformed services in a retired status
 22 (other than a member who is retired under chapter 61
 23 of this title) who—

24 “(1) completed at least 20 years of service in
 25 the uniformed services that are creditable for pur-

1 poses of computing the amount of retired pay to
 2 which the member is entitled; and

3 “(2) has a qualifying service-connected dis-
 4 ability.

5 “(d) QUALIFYING SERVICE-CONNECTED DISABILITY
 6 DEFINED.—In this section, the term ‘qualifying service-
 7 connected disability’ means a service-connected disability
 8 that—

9 “(1) was incurred or aggravated in the per-
 10 formance of duty as a member of a uniformed serv-
 11 ice, as determined by the Secretary concerned; and

12 “(2) is rated as not less than 70 percent
 13 disabling—

14 “(A) by the Secretary concerned as of the
 15 date on which the member is retired from the
 16 uniformed services; or

17 “(B) by the Secretary of Veterans Affairs
 18 within four years following the date on which
 19 the member is retired from the uniformed serv-
 20 ices.

21 “(e) STATUS OF PAYMENTS.—Payments under this
 22 section are not retired pay.

23 “(f) SOURCE OF FUNDS.—Payments under this sec-
 24 tion for any fiscal year shall be paid out of funds appro-

1 priated for pay and allowances payable by the Secretary
 2 concerned for that fiscal year.

3 “(g) OTHER DEFINITIONS.—In this section:

4 “(1) The term ‘service-connected’ has the
 5 meaning give that term in section 101 of title 38.

6 “(2) The term ‘disability rated as total’
 7 means—

8 “(A) a disability that is rated as total
 9 under the standard schedule of rating disabili-
 10 ties in use by the Department of Veterans Af-
 11 fairs; or

12 “(B) a disability for which the scheduled
 13 rating is less than total but for which a rating
 14 of total is assigned by reason of inability of the
 15 disabled person concerned to secure or follow a
 16 substantially gainful occupation as a result of
 17 service-connected disabilities.

18 “(3) The term ‘retired pay’ includes retainer
 19 pay, emergency officers’ retirement pay, and naval
 20 pension.”.

21 (2) The table of sections at the beginning of such
 22 chapter is amended by adding at the end the following
 23 new item:

“1413. Special compensation for certain severely disabled uniformed services re-
 tirees.”.

1 (b) EFFECTIVE DATE.—Section 1413 of title 10,
2 United States Code, as added by subsection (a), shall take
3 effect on October 1, 1999, and shall apply to months that
4 begin on or after that date. No benefit may be paid to
5 any person by reason of that section for any period before
6 that date.

